Please cancel claims 9-17 without prejudice.

REMARKS

Status of the Claims.

Claims 1-8 are pending with entry of this amendment, claims 9-17 being cancelled and no claims being added herein. These amendments are made without prejudice and are not to be construed as abandonment of the previously claimed subject matter or agreement with the Examiner's position.

Information Disclosure Statement.

Applicants note the Examiner's allegation that the Information Disclosure Statement filed on 25 January 2000 fails to comply with 37 C.F.R. §1.198(a)(3) because it does not provide an explanation of reference A35 is improper. 37 C.F.R. §1.198(a)(3) expressly recites:

> (3)(i) A concise explanation of the relevance, as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about the content of the information, of each patent, publication, or other information listed **that is not in the English language**. The concise explanation may be either separate from applicant's specification or incorporated therein. [Emphasis added]

Reference A35, a sequence listing, is in the English language. Moreover, reerenceA35 is accompanied by descriptive information, **in English,** describing the sequence listed therein. Consequently, the Examiner's refusal to consider this reference is improper and not in accord with the requirements of 37 C.F.R. §1.198.

Should the Examiner refuse to consider the reference and/or refuse to make the cited reference of record, Applicants will deem such action an admission by the Examiner that such reference is not material or effective prior art in the present application.

Applicants have also enclosed herewith a supplemental Information Disclosure Statement (PTO Form 1449). Applicants respectfully request that this supplemental Information Disclosure Statement, and the references cited therein, be expressly considered during the prosecution of this application and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

Sequence Listing Rules.

The Examiner indicated that the application is not in compliance with sequence rules, 37 C.F.R. §§ 1.821-1.825. A disk containing the referenced sequence(s) in computer readable form, and a paper copy of the sequence information that has been printed from the floppy disk are provided herewith. The information contained in the computer readable disk was prepared through the use of the software program "PatentIn" and is identical to that of the paper copy.

35 U.S.C. §103(a).

Claims 9-11 were rejected under 35 U.S.C. §103(a) as allegedly obvious in light of Nyirkos *et al.* (1990) *Biochem.* J. 268: 265, or Johansen *et al.* (1991) *J. Bone Min. Res.* 7(5): 5001, each in view of Maurer *et al.* (1980) *Meth. Enzymol.*, 70: 49. Claims 12-17 were rejected under 35 U.S.C. §103(a) as allegedly obvious in light of Nyirkos *et al.*, or Johansen *et al.* each in view of Maurer *et al.* and further in view of Serban *et al.* (U.S. Patent 4,782,014). Applicants have canceled claims 9-17 with entry of this amendment thereby obviating this rejection.

In view of the foregoing, Applicants believes all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (510) 337-7871.

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Respectfully submitted,

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APPENDIX B

CLAIMS PENDING IN USSN 08/746,207 WITH ENTRY OF THIS AMENDMENT

1. (Once amended) A method of screening for a disease state associated with cirrhosis of the liver in a mammal, said method comprising measuring the level of YKL-40 in a biological sample of the mammal and comparing the level to that of a normal, healthy mammal, wherein a statistically significant difference indicates the presence of said disease state.

2. The method of claim 1, wherein the amount of YKL-40 in said sample is measured using an immunoassay.

3. The method of claim 2, wherein the immunoassay is a competitive immunoassay.

4. The method of claim 3, wherein the immunoassay utilizes a detectable label selected from the group consisting of radioisotopes, enzymes, fluorescent molecules, chemiluminescent molecules, bioluminescent molecules, and colloidal metals to measure YKL-40.

5. The method of claim 1, wherein said mammal is a human.

6. The method of claim 2, wherein the immunoassay uses a polyclonal antibody to measure YKL-40.

7. The method of claim 2, wherein the immunoassay uses a monoclonal antibody to measure YKL-40.

8. The method of claim 1, wherein said sample is selected from the group consisting of blood, plasma, and serum.